IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

WP(C).No. 33931 of 2006(M)

PETITIONER:

A.V.VARGHESE, AGED 65,
S/O.VARKEY, EDAPPATTU HOUSE,
KUNNACKAL KARA, VALAKOM P.O., MUVATTUPUZHA.

BY ADV. SRI.T.KURIAKOSE PETER
SRI.ABRAHAM P.GEORGE

RESPONDENTS:

THE SECRETARY,
VALAKOM GRAMA PANCHAYATH, MEKKADAMPU PO,
MUVATTUPUZHA.

ADDL.R2. STEPHEN, AGED 53 YEARS,
S/O. MATHEW, MATTATHIL HOUSE,
KUNNAKKAL P.O., VALAKOM, ERNAKULAM.

(ADDL.R2 IS IMPLEADED AS PER ORDER IN I.A.NO.219/2007 DATED 15.1.2007)

BY ADV. SRI.C.ANILKUMAR (KALLESSERIL)
SRI.N.K.POULOSEKUTTY
SRI.PEEYUS A.KOTTAM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 33931 of 2006

Dated this 5th day of February, 2007

JUDGMENT

My attention was drawn by Sri.Abraham P.George, the learned counsel for the petitioner to Paragraph 4 of the Ext.P5 wherein the learned Tribunal has noticed that the appellant and his counsel were absent when the appeal was posted for hearing. It is agreed to by the learned counsel for the respondents that they have no serious objection in the matter of an opportunity being given to the appellant for advancing his arguments. Under these circumstances, without going into the merits of the grounds raised and correctness of the findings entered by the Tribunal, this writ petition will stand disposed of with the following directions:

Ext.P5 is quashed and there will be a direction to the Tribunal to hear the petitioner and the other parties in the appeal and pass fresh orders and dispose of the Appeal No.322/2006 afresh in accordance with law. The appellant will ensure that on every posting day he is present or represented

before the Tribunal and will render all co-operation from his side so that the Tribunal will be able to dispose of the matter without much delay. Fresh order as directed above will be passed by the Tribunal at its earliest and at any rate within three months of the parities entering appearance. The parties will enter appearance before the Tribunal on 19.2.2007.

PIUS C.KURIAKOSE
Judge

dpk